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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,491	09/23/2003	Mark Gary Weinberg	CL1916 US NA	2271
23906 7590 03/16/2007 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			EXAMINER FEELY, MICHAEL J	
			ART UNIT 1712	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/668,491

Applicant(s)

WEINBERG ET AL.

Examiner

Michael J. Feely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Pending Claims

Claims 29-49 are pending

Response to Amendment

1. The rejection of claims 30-32, 34, 36, 45, and 48 under 35 U.S.C. 102(b) as being anticipated by Harpell et al. (US Pat. No. 4,584,347) *has been overcome by amendment.*
2. The rejection of claims 30, 32, 33, 36, 45, and 48 under 35 U.S.C. 102(b) as being anticipated by Tabor et al. (US Pat. No. 5,372,885) *has been overcome by amendment.*
3. The rejection of claims 30, 32, 34, 36, 45, 46, 48, and 49 under 35 U.S.C. 102(e) as being anticipated by Nakagawa et al. (US Pat. No. 6,338,772) *has been overcome by amendment.*

Claim Rejections - 35 USC § 112, 1st paragraph

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 29-49 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for:

A spin mixture comprising a spin agent and a polymer *component, said polymer component consisting of a second (functional) polymer or a mixture of a first polymer and second (functional) polymer, said first polymer present in an amount of 0 to 95 % by*

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weight of said polymer component, and said second (functional) polymer present in an amount of 5 to 100 % by weight of said polymer component,

does not reasonably provide enablement for *a polymer component featuring a copolymer of said first and second polymers*. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Applicant's amendment to the claims has broadened the scope of the polymer component to include copolymers of said first and second polymers. However, the specification only supports a polymer component represented by: (a) a blend consisting of the first and second (functional) polymers; or (b) a second (functional) polymer used alone – *see paragraphs 0015-0016*.

Claim Rejections - 35 USC § 112, 2nd paragraph

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 29-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Both independent claims 29 and 30 describe a polymer component which ***comprises*** 0 to 95 % by weight of a first polymer and 5 to 100% by weight of a second (functional) polymer. In light of these ranges and the disclosure set forth in the specification (*see paragraphs 0015-0016*), the first polymer, when used alone, accounts for 100% by weight of the polymer component. Similarly, the blend of the first and second polymers accounts for 100% by weight of the

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polymer component. Conversely, the word *comprises* is open language suggesting the possibility of other materials present in the polymer component. It is unclear how the word *comprises* can be used in concert with these complete weight percentages.

9. Claim 32 recites the limitation "the polymer mixture" in claim 30. There is insufficient antecedent basis for this limitation in the claim.

10. Claims 41 and 42 recite the limitation "perfluorovinyl ether" in claim 30. There is insufficient antecedent basis for this limitation in the claim.

Suggested Claim Language

11. The following claim language is suggested to overcome the rejections under 35 U.S.C. 112.

29. A spin mixture comprising a spin agent and a polymer component, said polymer component consisting of a second polymer or a mixture of a first polymer and second polymer;

wherein said first polymer is selected from the group consisting of polyethylene and polyethylene terephthalate, and said first polymer is present in an amount of 0 to 95 % by weight of said polymer component;

wherein said second polymer is a functional polymer selected from the group consisting of functional polyethylene and functional polyethylene terephthalate, said functional polymer having 1 to 25 mol% of pendant functional groups selected from the group consisting of fluorocarbon radicals and oxyethylene radicals, and said second polymer is present in an amount of 5 to 100 % by weight of said polymer component.

30. A spin mixture comprising a spin agent and a polymer component, said polymer component consisting of a second polymer or a mixture of a first polymer and second polymer;

wherein said first polymer is selected from the group consisting of polyolefins, copolymers of polyolefins with ethylenically unsaturated monomers, polyesters, and mixtures thereof, and said first polymer is present in an amount of 0 to 95 % by weight of said polymer component;

wherein said second polymer is a functional polymer selected from the group consisting of functional polyolefins, functional copolymers of polyolefins with ethylenically unsaturated monomers, functional polyesters, and mixtures thereof, said functional polymer having 1 to 25 mol% of pendant functional groups selected from the group consisting of fluorocarbon radicals, vinyl silane radicals, and oxyethylene radicals, and said second polymer is present in an amount of 5 to 100 % by weight of said polymer component.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

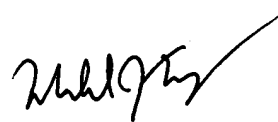
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Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is 571-272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael J. Feely
Primary Examiner
Art Unit 1712

March 14, 2007

**MICHAEL FEELY
PRIMARY EXAMINER**